

REMARKS

The rejection suggests that a single reference, which never recognizes the problem that is solved by the claimed invention and provides absolutely no indication of how to solve that problem, somehow renders the invention claimed obvious.

The office action suggests that the citation of a single reference under Section 103 meets the Office's burden of citing a teaching of all the elements or, alternatively, a teaching of less than all the elements while providing a rationale from within the prior art to modify the cited teachings to meet the claimed limitation. Logically and legally, the citation of a single reference cannot possibly, in and of itself, handle and meet this burden.

The citation of a single reference under Section 103 admits, on its face, that the reference itself does not include all the claimed elements. Certainly, if the reference itself were to teach how to modify itself (certainly an unlikely proposition) then, presumably, a Section 102 rejection would lie. But, here, there is only one admittedly deficient reference cited. This, therefore, cannot sustain the Office's burden of showing both elements set forth above.

As a result, a *prima facie* rejection cannot possibly be made out by a single reference Section 103 rejection. Necessarily, there is a failure to teach all the claimed elements and there is also a failure to provide any possible rationale to modify. That rationale cannot come from the single reference and, therefore, the maintenance of the rejection creates an untenable situation.

The office action suggests that in an alternative embodiment, Washino's system is equipped with separate image data compression facilities. But, even if this is so, there is no reason to believe they handle anything but a common frame rate.

From this, it is concluded that somehow it would have been obvious to make a modification that nothing in the reference suggests doing. The suggestion that Washino teaches not converting the frame rates makes sense, but the problem is that Washino did not need to convert frame rates because there is no suggestion that he had different frame rates. Thus, Washino adds nothing but a teaching away and a failure to illuminate any reason or modality to achieve the claimed invention.

Therefore, reconsideration would be appropriate.

Respectfully submitted,



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